REMARKS

Claims 1-20 are pending in this application. By this Amendment, the Abstract, specification and claims 1-15 are amended, and claims 16-20 are added. The Abstract and specification are amended for clarification purposes only. No new matter is added. Support for the claims can be found throughout the specification, including the original claims and the drawings. Withdrawal of the rejections in view of the above amendments and the following remarks is respectfully requested.

The Office Action rejects claims 1-6 and 10-15 under 35 U.S.C. §103(a) over U.S. Patent No. 5,662,744 to Tuller et al. (hereinafter "Tuller") in view of U.S. Patent No. 4,094,702 to Rabufetti (hereinafter "Rabufetti"). Claim 3 is canceled. The rejection, in so far as it applies to claims 1, 2, 4-6 and 10-15, is respectfully traversed.

Independent claim 1 is directed to a nozzle assembly for a dishwasher, comprising a first nozzle rotatably provided proximate to the first rack, wherein the first nozzle is configured to selectively spray washing fluid in a first rack direction in a first mode, and in a second rack direction in a second mode. Tuller neither discloses nor suggests at least such features, let alone the claimed combination of features.

Tuller discloses a wash arm 34 for a dishwasher 10 made of one-piece molded plastic. The wash arm 34 is directly coupled to a top wall 16 of the dishwasher 10 through a hub 52. Water enters the spray arm 34 through the hub 52, where it is directed into opposite branches 48, 50 of a channel 36 formed in the wash arm 34. Each branch 48, 50 includes an outer end 74, 75, respectively, which curve in opposite (forward and rearward) directions from one another so

as to discharge water out through corresponding discharge openings 76, 77 in opposite directions, causing the wash arm 34 to rotate about the hub 52. A top view of this water flow pattern is shown by the arrows in Figures 10 of Tuller.

The wash arm 34 disclosed by Tuller does not spray water in an upward direction toward a first rack in a first mode, and in a downward direction toward a second rack in a second mode. Rather, the branches 48, 50 direct the water to the forward and rear, respectively. Even if the wash arm 34 were flipped over, as asserted in the Office Action, this would only cause water to be directed to the rear and forward through the branches 48, 50, respectively, resulting only in a change in the direction of rotation of the wash arm 34 about the vertical axis. Tuller neither discloses nor suggests a nozzle which sprays washing fluid in a first rack direction in a first mode, and in a second rack direction in a second mode, as recited in independent claim 1.

Further, Rabufetti fails to overcome the deficiencies of Tuller. Rabufetti discloses a control device which allows a user to control a supply and/or flow rate of washing fluid to a pair of rotating spray devices 2 of a dishwasher. Rabufetti's device is directed to controlling a supply of washing fluid, but not to selectively controlling a direction of spray such that one of the spray devices sprays washing fluid upward in a first rack direction in a first mode, and downward in a second rack direction in a second mode, as does the nozzle recited in independent claim 1.

Accordingly, it is respectfully submitted that independent claim 1 is allowable over the applied combination, and thus the rejection of independent claim 1 under 35 U.S.C. §103(a) over Tuller and Rabufetti should be withdrawn. Dependent claims 2-6 and 10-15 are allowable at least for the reasons set forth above with respect to independent claim 1, from which they

depend, as well as for their added features.

The Office Action rejects claims 7-9 under 35 U.S.C. §103(a) over Tuller and Rabufetti in view of U.S. Patent No. 4,961,597 to Bowen (hereinafter "Bowen"). The rejection is respectfully traversed.

Dependent claims 7-9 are allowable over Tuller and Rabufetti at least for the reasons set forth above with respect to independent claim 1, from which they depend, as well as for their added features. Further, Bowen is merely cited as allegedly teaching the use of an O-ring, and thus fails to overcome the deficiencies of Tuller and Rabufetti. Accordingly, it is respectfully submitted that claims 7-9 are allowable over the applied combination, and thus the rejection of claims 7-9 under 35 U.S.C. §103(a) over Tuller, Rabufetti and Bowen should be withdrawn.

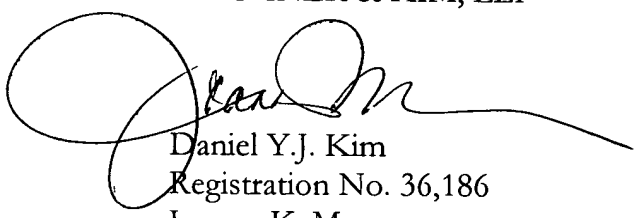
New claims 16-20 are added to the application. It is respectfully submitted that new claims 16-20 also define over the applied prior art references, and meet the requirements of 35 U.S.C. §112.

CONCLUSION

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, **Joanna K. Mason**, at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
FLESHNER & KIM, LLP



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